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10 Attorneys for Plaintiff
FACEBOOK, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 FACEBOOK, INC.,

17 Plaintiff,

18 v.

19 ADAM GUERBUEZ; ATLANTIS BLUE
CAPITAL; AND DOES 1-25,

20 Defendants.
21

Case No. C08 03889 JF HRL

**DECLARATION OF P. WAYNE
HALE IN SUPPORT OF
APPLICATION FOR DEFAULT
JUDGMENT AGAINST ADAM
GUERBUEZ AND ATLANTIS BLUE
CAPITAL**

1 I, P. Wayne Hale, declare:

2 1. I have personal knowledge of the facts set forth in this declaration, unless
3 otherwise stated, and I could and would testify competently to them if called as a witness.

4 2. Attached hereto as **Exhibit A** is a true and correct pdf printout of the webpage
5 profile information for YouTube user "ToughLife2007," which I created on September 26, 2008
6 while viewing <http://www.youtube.com/user/ToughLife2007>. One of the videos posted by this
7 user is captioned "Adam G." Based on my investigation and a review of the photographs and
8 video taken during the service of the Complaint, I believe these videos were posted by and show
9 Adam Guerbuez.

10 3. On September 18, 2008, I searched youtube.com for all of Defendant Guerbuez's
11 "ToughLife2007" videos. Attached as **Exhibit C** is a true and correct PDF printout of the
12 YouTube webpage search results. The search results display summary information about each
13 ToughLife2007 video, including the titles, a portion of the caption information provided for each
14 video by ToughLife2007 and an approximate date when the video was added to YouTube. When
15 a video is viewed, the specific day that the video was added by ToughLife2007 and complete
16 caption information provided by ToughLife2007 is displayed on the right of the screen while the
17 video is playing.

18 4. Attached hereto as **Exhibit B** is a physical copy of a DVD (Manual Filing
19 Notification Regarding Exhibit B: DVD In Support Of Application For Default Judgment Against
20 Adam Guerbuez And Atlantis Blue Capital) containing true and correct copies of each of the
21 videos listed in **Exhibit C** (downloaded from Adam Guerbuez's "ToughLife2007" YouTube
22 profile). As of September 18, 2008, each of those videos was still available for viewing online at
23 <http://www.youtube.com/user/ToughLife2007>.

24 5. I have viewed the Guerbuez videos entitled "Just some video recorded in past few
25 weeks, everyday life.," "A Day In My Life Part 1," "A Day In My Life - Part 2 Volume 2" and
26 "Me and my ride having some fun downtown." For the convenience of the Court, attached as
27 **Exhibit D** is a rough transcription of some of the dialogue and activity occurring during certain
28 time frames referenced in those videos.

1 6. I have viewed some of Adam Guerbuez's "ToughLife2007" comments on
2 YouTube, which follow his video postings. Attached hereto as **Exhibit E** is a true and correct
3 copy of the four pages of comments posted for the video "Me and my ride having some fun
4 downtown."

5 7. Attached hereto as **Exhibit F** is a true and correct webpage capture of Ballervision
6 profile information for Adam Guerbuez, user "TheBoss - BallerVision Admin," which I
7 preserved on July 21, 2008 from www.Ballervision.com. Adam Guerbuez states on his profile
8 that he is "unemployed." He also states that he has an income of "ok, I'm VERY wealthy." The
9 Ballervision income categories specify that this means Guerbuez has an income over \$500,000.
10 Attached hereto as **Exhibit G** is a true and correct screenshot showing the Ballervision income
11 categories available when creating a Ballervision profile.

12 8. Adam Guerbuez has been described as the "Notorious internet scammer ... from
13 Montreal, Quebec, Canada." on a spammer reporting website. See
14 http://en.allexperts.com/e/l/li/list_of_e-mail_spammers.htm (visited 9/26/08). Attached hereto as
15 **Exhibit O** is a true and correct copy of the list of email spammers from that website.

16 9. Attached hereto as **Exhibit H** is a true and correct copy of an archived Montreal
17 Mirror 2003 article showing that a Montreal based Adam Guerbuez previously marketed videos
18 featuring attacks on homeless persons. The article is also available at
19 <http://www.montrealmirror.com/ARCHIVES/2003/091803/news2.html> (visited 9/26/08).

20 10. Attached hereto as **Exhibit I** is a true and correct copy of the text of a July 2000
21 Montreal, Quebec Gazette article downloaded from a Lexus news search that discussed Adam
22 Guerbuez's alleged involvement in the beating and eventual death of an individual outside of a
23 bar in Montreal. Attached hereto as **Exhibit J** is a true and correct copy of the text of an August
24 2000 article taken from The Internet Anti-Fascist, also available at
25 <http://archives.econ.utah.edu/archives/pen-l/2000m08.2/msg00126.htm> (visited 10/20/08). See
26 The Internet Anti-Fascist: Tuesday, 8 August 2000, Vol. 4, Number 64 (#449).
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1 11. Attached hereto as **Exhibit K** is a true and correct copy of the text of a May 1995
2 Montreal, Quebec Gazette article downloaded from a Lexus news search discussing Adam
3 Guerbuez's involvement in the White Supremacist Toronto-based, Heritage Front group

4 12. Based on the videos that I reviewed and Defendant Guerbuez's Internet posing, I
5 am informed and believe that Defendants Adam Guerbuez and Atlantis Blue Capital are not
6 minors, incompetent persons, in military service or otherwise exempted under the Soldiers' and
7 Sailors' Civil Relief Act of 1940.

8 13. To my knowledge neither Facebook nor Facebook's counsel have had any outside
9 contact with or received any communications from Defendant or Defendant's counsel since
10 August 14, 2008, when agents for Facebook personally served the Complaint, Summons and
11 other papers for this case on Defendants Adam Guerbuez and Atlantis Blue Capital.

12 14. Attached as **Exhibit L** is a true and correct copy of an Amended Order Granting
13 Plaintiff Myspace, Inc.'s Motion For Default Judgments Against Defendants Sanford Wallace
14 And Walter Rines, dated May 29, 2008, downloaded from the docket in the MySpace, Inc. v.
15 Wallace, et al. case, CASE NO. CV-07-1929 ABC (AGRx) in the Central District of California.

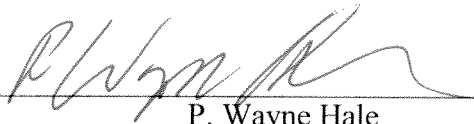
16 15. Attached as **Exhibit M** is a true and correct copy of an Amended and Substituted
17 Order dated September 30, 2008, entering judgment for \$236,480,660.00 in favor of Plaintiff
18 Robert W. Kramer, III dba CIS Internet Services against Defendants Henry Perez and Suzanne
19 Bartok in joint and several liability for violating Iowa's anti-spamming law in Case No.
20 3:04cv0153-JAJ in the Southern District of Iowa.

21 16. Attached as **Exhibit N** is a true and correct signed copy of a Facebook employee's
22 declaration in support of Facebook's application for default judgment against Adam Guerbuez
23 and Atlantis Blue Capital.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct to the best of my knowledge and that this declaration was executed
26 on November 10, 2008, at Menlo Park, California.

1 Dated: November 10, 2008

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